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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)
)
)

The Use of N11 Codes and Other)
Abbreviated Dialing Arrangements)
)
)

CC Docket No. 92-105

AT&T CORP. COMMENTS ON PETITIONS FOR RECONSIDERATION

Pursuant to Section 1.429 of the Commission's Rules, 47 C.F.R. § 1.429,
AT&T Corp. ("AT&T") hereby submits these comments on the petitions for reconsideration
of the First Report and Order ("Order") in this proceeding.¹

I. THE COMMISSION SHOULD CLARIFY WIRELESS CARRIERS' 311 OBLIGATIONS

The Commission expressly held that it did not intend the Order "to impose the same types of service obligations on wireless providers with regard to 311 service as we did with regard to 911 service."² However, the Order does not provide any indication of precisely what obligations the Commission did intend. Because the decision whether to implement 311

¹ The Use of N11 Codes and Other Abbreviated Dialing Arrangements, CC Docket No. 92-105, First Report and Order and Further Notice of Proposed Rulemaking, FCC 97-51, released February 19, 1997 ("First Report and Order" or "FNPRM"). A list of parties submitting petitions for reconsideration and the abbreviations used to identify them are set forth in an appendix to this reply. All citations to parties' pleadings are to oppositions to petitions for reconsideration, unless otherwise indicated.

² Id., ¶ 43.

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service will be made locally,³ the nature and scope of that service are virtually certain to vary significantly from jurisdiction to jurisdiction. In the absence of clear Commission guidance, the requirements that states or localities seek to impose on wireless carriers likely will vary substantially as well. Wireless carriers could be forced to participate in multiple proceedings before local governments and state PUCs, and this Commission ultimately will be required to resolve any conflicts as to the duties that may be imposed consistently with the Order. To avoid unnecessary and inefficient wrangling over wireless carriers' 311 obligations, AT&T urges the Commission to grant BellSouth's petition for clarification in certain respects.

Because 311 is intended for non-emergency calls, wireless carriers should not be required to provide the same features or terms for such calls as for 911. As the Order implicitly recognizes, the public's interest in non-urgent calls for government services is significantly less weighty than its interest in 911 calling. In particular, as BellSouth shows, there is no basis for the Commission to permit the imposition of burdensome ANI or caller location requirements on CMRS providers in the context of 311.⁴

In addition, AT&T endorses BellSouth's contention that that wireless carriers should not be required to provide 311 capability to non-subscribers or roamers in the absence of a roaming agreement.⁵ Requiring CMRS providers to forward all 311 calls would present serious technical difficulties. In the absence of a roaming agreement, or in the case of non-subscribers, the visited system has no way of recognizing the caller, determining the home

³ See id., ¶ 39.

⁴ See BellSouth, pp. 6-7.

⁵ Id., p. 7.

network provider and registering and validating the caller, as is done with home subscribers and subscribers of roaming partners. The time and expense required to make the network modifications that would be necessary to provide these functions simply are not justified in order to permit the completion of calls which, by definition, are not of an urgent nature.

Further, although paragraph 42 of the Order provides that states would "in most instances" regulate funding and cost recovery for 311, AT&T supports BellSouth's request that the Commission clarify that because states lack jurisdiction to approve wireless carriers' rates, CMRS providers may set prices for subscriber calls to 311 without interference from state authorities.⁶

At a minimum, if the Commission is unwilling to clarify wireless carriers' obligations to implement 311 as part of its reconsideration of the Order, then it should issue a Further Notice of Proposed Rulemaking on these issues forthwith. As the Order now stands, wireless providers plainly are subject to fewer obligations than their wireline counterparts; however, state commissions, local governments and carriers lack sufficient information to discern precisely what requirements properly may be imposed on wireless carriers.

II. THE COMMISSION SHOULD REVISE ITS 6-MONTH TIMELINE FOR 311 IMPLEMENTATION

While AT&T strongly supports the Order's decision to reserve the 311 code for non-emergency police and government uses, it agrees with BellSouth⁷ that the

⁶ See *id.*, pp. 7-8. Although the Order did not directly state that wireless carriers may charge their subscribers for 311 calls, the Commission's discussion of wireless providers' 311 obligations notes with apparent approval that the Cellular Telecommunications Industry Association's comments sought that outcome. See Order, ¶ 43.

⁷ See BellSouth, pp. 8-10.

Commission should reconsider its requirement that telecommunications carriers make 311 service available within six months of a governmental entity's request.⁸ As BellSouth shows, and as AT&T stated in its comments,⁹ in order to implement 311 service, industry groups must define technical standards, local jurisdictions must adopt funding mechanisms, and public education programs must be designed and implemented, among other things. Because the Commission's order does not provide any specifications as to the types of services localities may request or how they will be funded, it is simply impossible to predict exactly how much lead time may be required for implementation of 311.

Because calls to 311 are, by definition, not emergencies, it would be unreasonable to impose a blanket requirement that carriers provide that service within 6 months without regard to technical feasibility or other implementation issues. Accordingly, the Commission should clarify that its 6-month timetable applies only when the 311 service requested is technically feasible and cost recovery and other issues can be resolved within that time frame. In particular, the Commission should specify that wireless carriers are not subject to its six-month timetable, as they could -- depending on the scope and extent of their 311 obligations -- face significantly greater technical problems in adapting their networks than would wireline carriers. In order to facilitate implementation, the Commission also must be prepared to provide rapid resolution of any disputes that may arise concerning 311 services, and to rule as quickly as possible on any waiver requests carriers may submit.

⁸ Order, ¶ 84.

⁹ See AT&T Comments, filed October 10, 1996, pp. 3-4.

III. BOCs' PROVISION OF DIRECTORY ASSISTANCE AND OTHER SERVICES VIA N11 CODES MUST BE SUBJECT TO STRICT NON-DISCRIMINATION REQUIREMENTS

AT&T does not oppose Ameritech's request that the Commission permit LECs to offer directory assistance ("DA") services via 411 that include non-local telephone numbers.¹⁰ However, if the Commission allows ILECs to provide such services, it must be vigilant in enforcing the nondiscrimination requirements imposed by the Telecommunications Act of 1996.¹¹ The Commission found in its Second Report and Order in CC Docket No. 96-98 that § 251 of the Act requires that CLECs obtain nondiscriminatory access to both 411 and 555-1212.¹² Similarly, the instant Order found that it would be "anticompetitive" to deny CLECs' customers the ability to access repair and business offices by dialing 611 and 811.¹³ If ILECs are permitted to offer nationwide DA via what the Commission itself called "nationally-recognized numbers for directory assistance,"¹⁴ they will gain an even greater -- and even more starkly anticompetitive -- advantage over CLECs than if these numbers are used only to offer local DA.

¹⁰ Ameritech, pp. 8-14.

¹¹ See also, ISA, pp. 2-4 (requesting that Commission clarify that BOCs have broad nondiscrimination obligations in administering N11 codes).

¹² Implementation of the Local Competition Provisions in the Telecommunications Act of 1996, Second Report and Order and Memorandum Opinion and Order, CC Docket No. 96-98, FCC 96-333, released August 8, 1996, at ¶ 151 ("Second Report and Order").

¹³ Order, ¶ 46.

¹⁴ Second Report and Order, ¶ 149.

IV. THERE IS NO BASIS FOR THE IAFC's PETITION FOR RECONSIDERATION
THE ORDER'S 311 FINDINGS

IAFC offers a series of hyperbolic and wholly unpersuasive arguments seeking reconsideration of the Commission's decision to permit use of 311 for non-emergency access to police and other governmental services. As a preliminary matter, IAFC's contentions were fully aired in its comments, and the Commission properly considered and rejected them. More importantly, however, the arguments it raises are simply irrelevant. The Commission did not order nationwide use of 311 for non-emergency services, but simply exercised its plenary authority over numbering resources to permit state and local governments the option of utilizing 311 if and when they determine that it is in the interest of their constituents to do so.

Section 251(e) expressly authorizes the Commission to delegate "all or any portion" of its authority over numbering resources "to State commissions or other entities."¹⁵ In essence, the Commission has determined that there is sufficient interest among state and local governments in establishment of a non-emergency N11 code that it is in the public interest to allocate 311 for that use where local officials deem it advisable to do so.¹⁶ The record plainly supports this limited conclusion. If experience with 311 were to demonstrate

¹⁵ Thus, the IAFC's arguments that key issues have been "shunted" to state and local governments is irrelevant. IAFC, pp. 13-15. The Commission clearly has the authority to delegate this issue, and the Order does not require state and local governments to take any action of any kind. The wholly voluntary nature of the Order also renders utterly incomprehensible IAFC's claims that it imposes an "unfunded mandate." *Id.*, pp. 8-10.

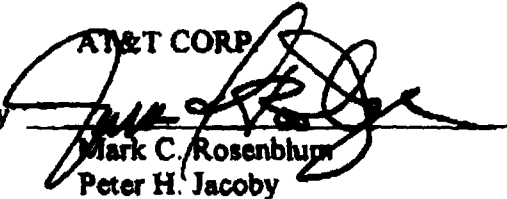
¹⁶ See Order, ¶ 39 (acknowledging concerns such as those expressed by IAFC, but noting that such concerns "are most appropriately addressed by local governments").

that use of that code has the adverse affects IAFIC predicts, then state and local governments -
- or the Commission itself -- remain free to discontinue its use.¹⁷

CONCLUSION

For the reasons stated above, AT&T respectfully requests that the Commission grant BellSouth's petition for clarification in part, clarify ILECs' nondiscrimination obligations in response to Ameritech's petition, and deny the petition of IAFIC.

Respectfully submitted,

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April 23, 1997

¹⁷ As the Order finds, N11 codes are a public resource, not the property of the entity using them, and may be recalled on short notice. See id. ¶ 64.

LIST OF COMMENTERS
(CC Docket No. 92-105)

Ameritech

Arch Communications Group, Inc.

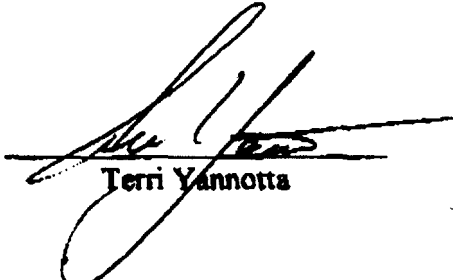
BellSouth Corporation

Interactive Services Association ("ISA")

The International Association of Fire Chiefs, Inc. and The International Municipal
Signal Association ("IAFC")

CERTIFICATE OF SERVICE

I, Terri Yannotta, do hereby certify that on this 23rd day of April, 1997, a copy of the foregoing "AT&T Corp. Comments on Petitions for Reconsideration" was mailed by U.S. first class mail, postage prepaid, to the parties listed on the attached service list.



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April 23, 1997

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